

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In re CELLCYTE GENETICS  
SECURITIES LITIGATION

This order relates to: All Actions

Case No. C08-47RSL

ORDER GRANTING MOTION  
TO DENY MOTIONS TO  
DISMISS AS MOOT

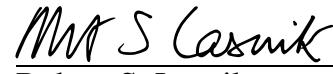
This matter comes before the Court on plaintiffs' motion to continue and/or deny as moot defendants' pending motions to dismiss. Defendants do not oppose the motion.

Plaintiffs' motion seeks an order continuing the motions to dismiss until after the Court rules on plaintiffs' pending motion to amend their complaint. An order continuing the motions is unnecessary because the Court has granted plaintiffs' motion to amend.

Defendants' pending motions to dismiss are directed towards the first amended consolidated complaint, but that complaint has been superceded by amendment. Accordingly, the pending motions to dismiss are moot. The Court therefore GRANTS plaintiffs' motion to deny defendants' motions to dismiss as moot (Dkt. #134). The motions to dismiss (Dkt. ## 115, 116, 117, 120) are denied as moot. The denial is without prejudice; defendants may refile motions to dismiss after plaintiffs file their

1 second amended consolidated complaint in the docket.  
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3 DATED this 20th day of January, 2009.  
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6 Robert S. Lasnik  
7 United States District Judge  
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